

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA AND
STATE OF PENNSYLVANIA

ex rel. ALISHA ALEJANDRO,

Plaintiffs/Relator,

v.

PHILADELPHIA VISION CENTER,
BARCO OPTICAL, INC., BRUCE RUBIN,
AND DR. BETH BROOKS,

Defendants.

CIVIL ACTION
NO. 20-2027

ORDER

AND NOW, this 1st day of February, 2022, upon consideration of Defendants' Motion to Dismiss Relator's Amended Complaint (ECF 46), Relator's Response (ECF 51) and consistent with the accompanying Memorandum of Law, it is **ORDERED** that Defendants' Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. The Motion is **DENIED** with respect to those claims against Philadelphia Vision Center, Barco Optical and Bruce Rubin in Counts I and II of her Amended Complaint concerning thirty-four eye exam claims allegedly submitted for reimbursement between January 2016 and September 2017 using the National Provider Identifier number for Dr. Pollock. The Motion is **GRANTED** in all other respects.
2. Dr. Beth Brooks is terminated as a Defendant.
3. Defendants shall file their **ANSWER** on or before **Wednesday, February 16, 2022**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.